

# ADMINISTRATIVE RULE CORRESPONDENCE

## Department of Commerce

**Date:**

**To:** Aaron Olver

**From:** Greg Jones

**Rule No.:** Chapter Comm 90

**Relating To:** Design and Construction of Public Swimming Pools and Water Attractions

**Subject:** Announcement of Public Hearing

I have attached the required material for the announcement of a public hearing on the proposed rules that relate to updating the technical requirements for designing, constructing, altering or reconstructing public swimming pools, water attractions and associated equipment. We are submitting this package to you for your review and approval of the proposed rules. Because the cut off for submission to the legislature is September 1, 2008, we have tentatively set the public hearing for July 8, 2008. Therefore, the secretary's approval will be needed by May 30 to facilitate publication in the mid-June Administrative Register.

The proposed rules consist of an update of chapter Comm 90, Public Swimming Pools and Water Attractions and is based upon the latest edition of the American National Standards Institute/International Aquatics Foundation (ANSI/IAF) standards for public swimming pools. The update of chapter Comm 90 involves modifying these standards where necessary to reflect any Wisconsin statutes or to improve clarity and usability of the code. In addition, the proposed revisions create uniformity between the current public swimming pools and water attractions regulations. The proposed rules were developed with the assistance of a 10-member advisory council, and the rule draft reflects the recommendations of the council.

Please review the attached material and let me know if you have any questions. If we can proceed with announcing the public hearing, please sign the required forms and letters and return this package to Norma Sampson. We will then finalize the public hearing date, and prepare and distribute the required packages.

cc. Lynita Docken  
Jim Quast  
Bob DuPont

Ronald Sklansky, Director  
Administrative Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401  
Madison, WI 53703

Dear Mr. Sklansky:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES  
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 90

RELATING TO Design and Construction of Public Swimming Pools and Water  
Attractions

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

Jack L. Fischer, A.I.A.  
Secretary

# ADMINISTRATIVE RULE CORRESPONDENCE

## Department of Commerce

**Date:**

**To:** Carol Dunn

**From:** Jack L. Fischer, A.I.A.

**Subject:** Notification of Proposed Rules Affecting Small Business

**Rule No.:** Chapter Comm 90

**Relating To:** Design and Construction of Public Swimming Pools and Water Attractions

The attached proposed rules are in the form and style specified by section 227.14 of the Statutes.

I am sending these rules to you for your review, under section 227.114 (5) of the Statutes. It does not appear that these rules will have a significant effect on small businesses.

Att.

COM-10545 (r. 5/12/08)



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777

**Jim Doyle, Governor**  
**Jack L. Fischer, A.I.A., Secretary**

Bruce Hoesly, Code Editor  
Legislative Reference Bureau  
Suite 200  
1 East Main Street  
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING  
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 90

RELATING TO: Design and Construction of Public Swimming Pools and Water  
Attractions

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: ☒ YES ☐ NO

CONTACT PERSON: Lynita Docken TITLE: Program Manager

TELEPHONE: 608-785-9349 EMAIL: lynita.docken@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Jack L. Fischer, A.I.A.  
Secretary

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 and 145.26, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 90 relating to the design and construction of public swimming pools and water attractions.

The public hearing will be held as follows:

**Date and Time:**

Tuesday, July 8, 2008  
1:00 p.m.

**Location:**

Thompson Commerce Building  
Human Resources Conference Room (First Floor)  
201 W. Washington Ave.  
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until July 18, 2008, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Lynita Docken, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at [lynita.docken@wisconsin.gov](mailto:lynita.docken@wisconsin.gov).

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at [www.commerce.wi.gov/SB/](http://www.commerce.wi.gov/SB/). Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at [roberta.ward@wisconsin.gov](mailto:roberta.ward@wisconsin.gov), or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at [carol.dunn@wisconsin.gov](mailto:carol.dunn@wisconsin.gov).

# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

RULE NO.: Chapter Comm 90

RELATING TO: Design and Construction of Public Swimming Pools and Water  
Attractions

1. Types of small businesses that will be affected by the rules.

The proposed rules will affect any business that owns or is involved with the design, construction, installation, repair, alteration, and reconstruction of public swimming pools, water attractions, and associated equipment.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

There are no additional reporting, bookkeeping or other procedures required for compliance with the rules.

3. Types of professional skills necessary for compliance with the rules.

There are no additional professional skills necessary for compliance with the rules.

4. Rules have a significant economic impact on small businesses.

☒ No      Rules not submitted to Small Business Regulatory Review Board

☐ Yes      Rules submitted to Small Business Regulatory Review Board

# **NOTICE of ENVIRONMENTAL ANALYSIS**

## **Department of Commerce**

Rule No.: Chapter Comm 90

Relating to: Design and Construction of Public Swimming Pools and Water Attractions

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.